



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

May 26, 2011

Mr. Darren McClellan
Jerry Aigner Construction
944 N. Baker Road
Boonville, Indiana 47601

Dear Mr. McClellan:

Re: Issuance of Requested Termination of
NPDES Permit No. ING040248
AML Site 196 Floyd Cemetery
Intersection of CR 650 N & Folsomville Rd
Boonville, Indiana
Warrick County

This agency has reviewed the request, dated September 1, 2010, for the termination of the above-referenced permit. According to the letter the remediation project has been completed as of August 1, 2010. The IDNR Division of Reclamation has confirmed this information. Our office therefore concurs that general permit coverage under 327 IAC 15-7 is no longer necessary and an NPDES permit is no longer required.

Therefore, National Pollutant Discharge Elimination System Permit No. ING040248, issued May 14, 2010, is hereby revoked effective 18 days from the mailing date of this letter.

Any party adversely affected or aggrieved by this decision may appeal by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within eighteen (18) days after the date of mailing of this letter. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant, a person aggrieved or adversely affected by this avoidance or otherwise entitled to review by law. Pursuant to IC 13-15-7-3, this decision shall remain in effect pending a decision on any appeal that has been timely requested under the provisions of IC 4-21.5. The address is:

Office of Environmental Adjudication
Indiana Government Center North
100 North Senate Avenue, Room 501
Indianapolis, IN 46204

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You are reminded that any future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge.

If you have any questions regarding this matter, please contact Mr. Joe Gwinn of our staff at (317) 233-8769.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Higginbotham', written in a cursive style.

Paul Higginbotham, Chief
Permits Branch
Office of Water Quality

JHG/ch

cc: Warrick County Health Department
IDNR Division of Reclamation

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2011 – 5H -GP

DATE OF NOTICE: May 26, 2011

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

TERMINATION

AML SITE 196 – FLOYD CEMETERY, Permit No. ING040248, WARRICK COUNTY, Boonville, IN. This permit is being terminated because there is no longer a discharge. Permit Writer: Joe Gwinn at 317/233-8769.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Office: 812-897-5811

COMPLETE EXCAVATING SERVICE • COMMERCIAL-RESIDENTIAL-FARM

September 1, 2010

Sheri L. Jordan
NPDES General Permits Coordinator
Indianapolis, IN 46204

RE: NPDES General Permit No. ING040248

Dear Ms. Jordan:

I am sending you this letter requesting voidance of the above referenced permit. Work at this site was completed on or about August 1, 2010.

Please notify me when this permit is terminated so we can stop the monthly submittals.

Thank you again for your time and as always, should you have any questions, please call me at 812-897-5815.

Sincerely,


Darren McClellan
Project Manager

*AML site 196 - Floyd Cemetery
Boonville Warrick County
CR 650 N and Folsomville Rd
Issued 5-14-10*

